

HOUSE No. 1896

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick and Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to critical data collection on the medically fragile population.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>

<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>

Mindy Domb

3rd Hampshire

David Allen Robertson

19th Middlesex

Maria Duaine Robinson

6th Middlesex

HOUSE No. 1896

By Representatives Garlick of Needham and Kafka of Stoughton, a petition (accompanied by bill, House, No. 1896) of Denise C. Garlick, Louis L. Kafka and others relative to patients requiring continuous skilled nursing care. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to critical data collection on the medically fragile population.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 12C of the General Laws is hereby amended by adding the
2 following section:-

3 Section 24. The center, in conjunction with MassHealth, shall prepare an annual report
4 related to patients requiring continuous skilled nursing care, as defined in 101 CMR 350.02 and
5 130 CMR 403.402. The report shall include, but not be limited to: (i) the number of pediatric
6 patients and the number of adult patients requiring continuous skilled nursing care; (ii) the
7 average, median and total number of continuous skilled nursing hours authorized by MassHealth
8 per day, week, month and year for pediatric patients and for adult patients; (iii) the average,
9 median and total number of authorized continuous skilled nursing hours actually delivered per
10 day, week, month and year for pediatric patients and for adult patients; (iv) the proportion of
11 utilization to authorization of service hours in comparison to patient acuity for pediatric patients
12 and for adult patients; (v) the number of nurses providing continuous skilled nursing care to

13 more than 1 patient at a time and the proportion of utilization to authorization of said patients;
14 (vi) the number of nurses who contract with MassHealth to provide continuous skilled nursing
15 care and the number of nurses who provide continuous skilled nursing care through a home
16 health agency that contracts with MassHealth and whether the total number of nurses providing
17 such care is sufficient to fill all authorized continuous skilled nursing hours; (vii) the training,
18 experience and education level of the nurses who contract with MassHealth to provide
19 continuous skilled nursing care; and (viii) an evaluation of the adequacy of the reimbursement
20 rates for continuous skilled nursing, as defined in 101 CMR 350.04(2), and a comparison of
21 those rates between the rate paid to nurses who contract directly with MassHealth to provide
22 continuous skilled nursing care, the portion of the reimbursement rate paid directly as wages to
23 nurses providing continuous skilled nursing care through a home health agency that contracts
24 with MassHealth, and the median wage rate paid to all nurses in the commonwealth.

25 Not later than January 1 of each year, the report shall be filed with the secretary of health
26 and human services, the clerks of the senate and the house of representatives, the joint committee
27 on health care financing, the joint committee on public health and the senate and house
28 committees on ways and means. The center shall make the report publicly available on its
29 website.

30 SECTION 2. Chapter 118E of the General Laws is hereby amended by adding the
31 following sections:-

32 Section 78. The office of Medicaid shall prepare an annual report that includes the
33 following information about continuous skilled nursing care, as defined in 101 CMR 350.02 and
34 130 CMR 403.402, from the immediately preceding calendar year: (i) the number of filled and

35 unfilled continuous skilled nursing hours authorized by MassHealth; (ii) the number of appeals
36 received by MassHealth for the denial or modification of continuous skilled nursing hours and
37 the number of patients that filed an appeal; (iii) the number of patients that received a reduction
38 in the amount of authorized continuous skilled nursing hours; and (iv) the number of authorized
39 continuous skilled nursing hours reduced from the immediately preceding calendar year, if any.

40 Not later than January 1 of each year, the report shall be filed with the secretary of health
41 and human services, the clerks of the senate and the house of representatives, the joint committee
42 on health care financing, the joint committee on public health and the senate and house
43 committees on ways and means.

44 Section 79. Notwithstanding any general or special law to the contrary, the office of
45 Medicaid shall review the wage payment rates established by home health agencies that provide
46 continuous skilled nursing care, as defined in 101 CMR 350.02 and 130 CMR 403.402, for the
47 providers of those services. The office shall provide: (i) an aggregated overview of the wage
48 payment rates paid by home health agencies to staff or contracted nurses providing continuous
49 skilled nursing care, including any increases in said wage rates resulting from increases in
50 Medicaid rates paid to home health agencies for continuous skilled nursing care in state fiscal
51 years 2017 and 2018; (ii) an aggregated breakdown of said wage rates as applied to the acuity
52 level of patients receiving continuous skilled nursing care; (iii) an aggregated breakdown of said
53 wage rates as applied to the licensure level of the providers of continuous skilled nursing care;
54 (iv) recommendations on criteria to be included in any future reporting by home health agencies
55 receiving an increase of continuous skilled nursing care rates provided by the office.

56 Not later than January 1 of each year, the report shall be filed with the clerks of the senate
57 and the house of representatives, the joint committee on health care financing, and the senate and
58 house committees on ways and means. Home health agencies providing continuous skilled
59 nursing care shall provide all information and documentation requested by the office of Medicaid
60 to compile the required report under this section.

61 SECTION 4. The first report required pursuant to section 24 of chapter 12C of the
62 General Laws shall be filed on January 1, 2020.

63 SECTION 4. The first report required pursuant to section 78 of chapter 118E of the
64 General Laws shall be filed on January 1, 2020.

65 SECTION 4. The first report required pursuant to section 79 of chapter 118E of the
66 General Laws shall be filed on January 1, 2020.